IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTIETH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 328 of 2005

Between:

1 Reddy Ramakrishna Rao, S/o Atchaiah,
R/o Bhadrachalam.
2 Smt. Gajula Vijaya Lakshmi W/o Lakshmana Rao,
R/o Bhadrachalam.
3 Maddala Rambabu, S/o Appa Rao,
R/o Bhadrachalam., Khammam District.

..... PETITIONERS

AND

The Divisional Forest Officer, Logging Division, Bhadrachalam,

Khammam, District.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue writ or direction preferably writ of mandamus, declaring that the action of the respondent in issuing the tender Notice reference No. 1127/2004/T7dated 13-1-2005 by way of publication in page - 3 of the District Edition of the Andhra Jyothi Telugu Daily dated 13.1.2005 in respect of the works which are covered under the Tender notice reference No. 1127/2004/T7 dated 27-11-2004, in respect of which sealed tenders were accepted, opened and declared on 11-12-2004 in due course as per the norms, as illegal, arbitrary, against principles of natural justice and direct the respondent to proceed with the entrustment of the said works to us by issuing confirmation letter and entering into work agreement with us as per rules and norms.

Counsel for the Petitioners: MR.KOWTURU VINAYA KUMAR

Counsel for the Respondent: GP FOR FORESTS

The Court, at the admission stage, made the following:

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ORDER:

The petitioners, who claim to be Forest Contractors, state that in response to the tender notice dated 27.11.2004 issued by the respondent in respect of transportation of long Bamboo from S.B.C.I., Chinthur to GTD Chinthuru, W.B.C.I. Lakkavaram to GBD Mothugudem, B.C.I.Chinthur to GTD Chinthur and for three other works, vide Estimate Nos.
DSO No.38/04/05, DSO No.39/04-05, and DSO No.40/04-05, dated 19.11.2004, they submitted their tender schedules in respect of each item of the work on 11.12.2004 and since they were lowest bidders to the said tenders, their tenders were accepted by the respondent and were intimated that confirmation letters will be sent to them in due course. The grievance of the petitioners is that the respondent, without issuing confirmation letters to them, again published the impugned tender notice dated 12.01.2005 in respect of the works already covered under the previous notification dated 27.11.2004. Hence, they filed the present writ petition.

Heard the learned counsel for petitioners and learned Government Pleader for Forests.

Learned counsel for petitioners submits that when once the tenders of the petitioners were accepted and when they were promised that the confirmation letters would be sent to them in due course, the respondent has no authority or power to issue another tender notification in respect of the works already covered under the previous notification.

On the other hand, learned Government Pleader for Forests, on instructions, submitted that the respondent did not accept the tenders of the petitioners and therefore the respondent has issued fresh tender notification.

In the absence of any material to show that the tenders of the petitioners were accepted by the respondent, the petitioners have no right to insist either to allot the works to them or to cancel the fresh tender notification. When once the respondent did not accept the tenders of the petitioners and rejected the same, the respondent

has to issue fresh tender notification and the same was done. In the circumstances, I see no illegality or irregularity in issuing fresh tender notification by the respondent. There is no merit in the writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. However, this order does not preclude the petitioners from participating in the fresh tender schedule.

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N.V. RAMANA, J

Date: 20.01.2005

Nsr

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Divisional Forest Officer, Logging Division, Bhadrachalam, Khammam, District.

2 Two CCs to GP for Forests, High Court of AP, Hyderabad (OUT)

3 Two CD copies.

*Form-NIC-OGS/WP{**AVLR**}*